

APPROVED AS OFFICIAL 1/4/00

Fresno, California

December 14, 1999

The City Council met in regular session at the hour of 8:05 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President (arrived later)
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager
Jess Avila, Assistant City Attorney
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:00 A.M.) CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: MORALES, MCAVOY, ZAMORA, AND "JOHN DOE" V. CITY OF FRESNO, FRESNO POLICE DEPARTMENT, CHIEF WINCHESTER, AND OFFICERS WILLIAMS, BRIDGES, OSUNA, FRANKS, FERN AND GRAY

The City Council met in closed session in Room 2125 at the hour of 8:05 a.m. to consider the above issue and convened in regular open session at 10:08 a.m.

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President Steitz advised the flags were being flown at half-staff in honor of "The Bicentennial of George Washington", which was being proclaimed this date, and encouraged all who could to attend a ceremony at the Veteran's Memorial Auditorium at 11:00 a.m.

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Reverend Lark Hapke, First Congregational Church, gave the invocation.

KMPH News Reporter Kristin Hoke led the Pledge of Allegiance to the Flag.

President Steitz called for a moment of silence to reflect on the liberty and freedoms afforded to all by George Washington.

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APPROVE MINUTES:

The minutes of December 7, 1999, were approved as submitted.

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APPROVE AGENDA:

(1A-4) AWARD A CONTRACT TO RE-ROOF SIX FIRE DEPARTMENT BUILDINGS AND FOUR PARKS DEPARTMENT BUILDING

Removed from the agenda per staff direction.

CONCERN WITH GREEN'S RECYCLING GOING AGAINST COUNCIL DIRECTION AND DIRECT STAFF TO LOOK INTO THE MATTER AND REPORT BACK - COUNCILMEMBER RONQUILLO

Direction made.

REQUEST TO CHANGE DATE FOR COUNCIL WORKSHOP ON AIR QUALITY - COUNCILMEMBER PEREA

At the request of Councilmember Perea, the workshop was changed from January 4th to January 11th at 2:30 p.m.

DESIGNATING SPACE AT THE VETERAN'S MEMORIAL AUDITORIUM FOR THEATER RENTERS - PRESIDENT STEITZ

President Steitz noted the matter was scheduled for January 4th and set the time at 3:30 p.m. So noted.

(2:30 P.M.) DISCUSSION RELATING TO PREPARATION OF A BALLOT MEASURE AMENDING THE CITY CHARTER TO REQUIRE COUNCIL APPROVAL OF THE APPOINTMENT OF THE CITY MANAGER - COUNCILMEMBER RONQUILLO

Laid over to January 4th at 2:30 pm. at the direction of Councilmember Ronquillo.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE AMENDMENT NO. 1 TO AVIATION LAND LEASE AND AGREEMENT WITH THE ESTATE OF EVELYN DRAPER, WHEREBY A PORTION OF THE LEASED PREMISES AT FRESNO CHANDLER DOWNTOWN AIRPORT REVERTS TO THE CITY, AND THE DIRECTOR OF TRANSPORTATION AUTHORIZED TO EXECUTE SAME ON BEHALF OF THE CITY

(1A-2) APPROVE AGREEMENT WITH THE AMALGAMATED TRANSIT UNION (ATU) LOCAL 1027 COVERING BUS DRIVERS OCCUPYING PERMANENT PART-TIME POSITIONS (PPT), P.M. HOURS PREMIUM PAY, AND REPORT BACK

(1A-6) AWARD A CONTRACT TO ROYAL ELECTRIC COMPANY IN THE AMOUNT OF \$3,783,160 FOR PHASE I FIBER OPTIC INSTALLATION OF THE TRAFFIC SIGNAL SYNCHRONIZATION PROJECT

(1A-7) AUTHORIZE THE CITY MANAGER TO EXECUTE A HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) COMMUNITY DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT WITH THE HOUSING ASSISTANCE CORPORATION FOR AFFORDABLE HOUSING WHICH ALLOWS MINOR MODIFICATIONS TO ACHIEVE THE INTENT OF COUNCIL ACTION, AND ADOPT THE AFFIRMATIVE MARKETING POLICY CONSISTENT WITH HOME REGULATIONS

(1A-8) * RESOLUTION NO. 99-346 - 3RD AMENDMENT TO SALARY RES. 99-175 REVISING SECTION 13, ASSIGNMENT PAY, AND AMENDING THE RATES OF COMPENSATION FOR CERTAIN CLASSES IN THE NON-REPRESENTED GROUP, AND THE MANAGEMENT, NON-CONFIDENTIAL, AND AIRPORT PUBLIC SAFETY UNITS

a. * RESOLUTION NO. 99-347 - ESTABLISHING A PAY RELATIONSHIP FOR A TERMINAL CLASS WITH AN EXISTING CLASS FOR THE PURPOSE OF CALCULATING RETIREMENT BENEFITS PURSUANT TO FMC SECTION 2-1603-1

(1A-9) APPROVE AGREEMENT WITH DALE RUTHERFORD, ARCHITECT, FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT, AIP-30 PROJECT FOR PROFESSIONAL ARCHITECTURAL DESIGN SERVICES (SOUND MITIGATION FAR PART 150 NOISE COMPATIBILITY PROGRAM) SUBJECT TO FAA APPROVAL; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1A-10) APPROVE AGREEMENT WITH WYLE LABORATORIES ACOUSTICAL ENGINEERS, FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AIP-30 PROJECT FOR PROFESSIONAL ACOUSTICAL DESIGN SERVICES (FAR PART NOISE COMPATIBILITY PROGRAM) SUBJECT TO FAA APPROVAL; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1A-11) APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER, FOR DESIGN OF AIRSIDE AND LANDSIDE EXPANSION IMPROVEMENTS AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT UNDER FAA AIP GRANT NOS. 22, 24, 25, 28, 29, 31 AND 32 CONDITIONED UPON FAA APPROVAL; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1A-12) APPROVE AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DANIEL, MANN, JOHNSON & MENDENHALL (DMJM) FOR DESIGN OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL, CONCOURSE AND BAGGAGE CLAIM EXPANSIONS UNDER FAA AIP GRANT NO. 22, 24, 25, 28, 29, 31 AND 32 SUBJECT TO FAA APPROVAL; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1A-13) RESOLUTION NO. 99-348 - APPROVING THE FINAL MAP OF TRACT NO. 4801 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, FOR A SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND TWO OUTLOTS FOR OPEN SPACE PURPOSES, LOCATED AT THE NORTHEAST CORNER OF W. RIVER VISTA DRIVE AND N. CARNEGIE AVENUE AT THE SAN JOAQUIN RIVER BLUFF

a. RESOLUTION NO. 99-349 - CERTIFYING THAT PROVISIONS HAVE BEEN MADE FOR SEGREGATION OF THE EXISTING ASSESSMENT TO EACH OF THE NEW PARCELS BEING CREATED BY TRACT NO. 4801

b. AUTHORIZE THE CITY MANAGER TO EXECUTE THE GRANT DEED(S) ON BEHALF OF THE CITY ACCEPTING THE TWO OUTLOTS OF THE BLUFF FACE

c. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE FOR TRACT NO. 4801; AND AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN AND THE STATE OF DISCLOSURE, NOTICE AND COVENANTS AFFECTING LAND DEVELOPMENT FOR RESTRICTIVE ACCESS FENCE, EXTERIOR COLORS AND CONSTRUCTION MATERIALS OF BLUFF FACE LOTS FOR TRACT NO. 4801, PHASE IV OF VESTING TENTATIVE TRACT NO. 4421

(1A-14) RESOLUTION NO. 99-350 - DEDICATING CERTAIN CITY-OWNED PROPERTY TO PG&E TO ACCOMMODATE A NEW ELECTRICAL SERVICE AT RADIO PARK; AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE THE EASEMENT DOCUMENT GRANTING AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY TO PG&E TO PROVIDE FOR THE TRANSFORMER AND APPURTENANCES THERETO

(1A-15) FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 3 - PALM BLUFFS CORPORATE CENTER PUBLIC IMPROVEMENT PROJECT

a. RESOLUTION NO. 99-351 - ACCEPTING PETITIONS, DETERMINING TO UNDERTAKE PROCEEDINGS TO CHANGE FACILITIES, DETACH TERRITORIES AND ANNEX TERRITORIES, AND AUTHORIZING CERTAIN ACTIONS WITH RESPECT TO CFD NO. 3

b. RESOLUTION NO. 99-352 - INTENT TO ANNEX TERRITORY TO, AND DETACH TERRITORY FROM, EXISTING CFD NO. 3 AND TO CONSIDER MAKING CHANGES IN THE PUBLIC FACILITIES AND SERVICES FINANCED BY THE DISTRICT

(1A-16) RESOLUTION NO. 99-353 - INTENT TO ANNEX TRACT NO. 4824 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 16; AND SETTING THE PUBLIC HEARING FOR JANUARY 25, 2000, AT 10:00 A.M.

(1A-17) APPROVE AMENDMENT NO. 4 TO THE HAMMER FIELD POTENTIALLY RESPONSIBLE PARTY COST SHARING AGREEMENT; AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH ERM-WEST, INC. TO CONTINUE WORK AT THE SITE

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : Mathys

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(10:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-16, REZONING APPLICATION NO. R-99-25, AND ENVIRONMENTAL FINDINGS, FILED BY THE CITY OF FRESNO PUBLIC WORKS DEPARTMENT, PROPERTY LOCATED ON THE WEST SIDE OF S. WEST BETWEEN W. JENSEN AND W. NORTH AVENUE (CONTINUE TO JANUARY 11, 2000, AT 11:00 A.M.)

1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-99-16/R-99-25
2. RESOLUTION - AMENDING THE EDISON COMMUNITY PLAN
3. AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM, AE-20/UGM, AE-20 AND AL-20 (COUNTY) TO O/UGM

On motion of Councilmember Bredefeld, seconded by President Steitz, duly carried, RESOLVED, the hearing on Plan Amendment No. A-99-16 and R-99-25, filed by the City of Fresno Public Works Department continued to January 11, 2000, at 11:00 a.m., by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : Mathys

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(3A) SELECTION OF CITY SOLID WASTE DIVISION PROPOSAL FOR COLLECTION AND PROCESSING OF WOOD AND YARD WASTE AND RECYCLABLES (RFP 8273), AND AWARD A CONTRACT FOR PROCESSING OF RECYCLABLES (RFP 8272)

Public Utilities Director Rhinehart reviewed the background of the State's deadline and mandate to meet a 50% diversion rate by next year. Acting President Mathys arrived at 10:23 a.m. Mr. Rhinehart gave an overview of the issue and noted staff was presenting the best recommendation to meet that mandate without increasing the current solid waste rates; recommended Council accept the City Solid Waste Division's proposal as outlined in the staff report; and acknowledged and commended the citizens committee, the vendors, and the Solid Waste Management Team for their work and efforts.

Speaking to the issue were: Mark Scozzari, representing Browning-Ferris Industries (BFI); Evan Edgar, representing Orange Avenue Disposal, 1314 H Street, Ste. 202, Sacramento; Jerry Murphy, USA Waste, 4333 E. Jefferson; and Dirk Poeschel, 2310 Tulare Street.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the issue.

****Visiting students from Powers Elementary School were recognized and welcomed.**

Upon request of Councilmember Bredefeld, Mr. Rhinehart responded to comments and concerns raised by the prior speakers, and along with Mr. Poeschel, responded to numerous questions of Councilmember Bredefeld relative to the contract being proposed with Sunset Waste, specifics of the City's proposal, reason for the recommendation to monitor the progress, City's protections, and how the City's team was able to bid the lowest. Councilmember Bredefeld commended Mr. Rhinehart and staff on the proposal stating it showed City employees could compete with the private sector, **(2 - 0)** and made a motion to approve staff's recommendation, which motion was seconded and acted upon later.

Mr. Rhinehart, Tony Senko, representing Sunset Waste, Inc., and Mr. Scozzari responded at length to numerous questions of Councilmember Boyajian, President Steitz and Councilmembers Perea, Ronquillo and Quintero relative to the City's proposal, Sunset Waste's contract with Sanger, untold costs, the purchasing of new containers, loss of jobs at BFI, the City's proposal and bid, if transloading of recyclables was included in the bid cost, composting and if there was a market for it, solid waste rates, loss of City jobs, green waste and contaminants, ability to control costs and ensuring no rate increase, the City building a co-composting plant and cost for the plant, meeting the State's mandate, market for composting, and what other California cities were doing to meet the mandate. President Steitz stated his concern was the cost to process garbage and if there was a market for it, and Councilmember Quintero expressed his concerns stating there were still too many unanswered questions and explained **(3 - 0)**.

Acting President Mathys made motion, seconded by Councilmember Ronquillo, to close debate and call for the question. Mr. Murphey requested Sunset Waste respond to Councilmember Boyajian's questions relative to their contract with Sanger, whereupon Acting President Mathys withdrew his motion and Mr. Senko was allowed to respond and clarified issues.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Boyajian, Perea
Absent	:	None

President Steitz outlined the motion on the floor, and Councilmember Ronquillo questioned if discussion could continue, with Assistant City Attorney Avila stating the vote taken to close debate was final, and another motion would have to be made to reconsider.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the City Solid Waste Division's proposal for the Collection and Processing of Wood and Yard Waste and Recyclables, using 96-gallon containers for Solid Waste, Wood and Yard Waste, and Recyclables hereby accepted; and a contract awarded to Sunset Waste, Inc. for Recyclables Processing under RFP 8272, subject to the City contracting for the transloading of recyclables, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	Boyajian
Absent	:	None
Abstain	:	Quintero

1. BILL NO. B-80 - AMENDING SUBSECTIONS (b) AND (e) OF SECTION 9-404 OF THE FRESNO MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL REGULATIONS

Mr. Rhinehart stated the amendment was required for the just approved once-a-week pickup.

On motion of Councilmember Perea, seconded by President Steitz, duly carried, RESOLVED, the above entitled Bill No. B-80 introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	Boyajian
Absent	:	Quintero

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(10:30 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 15 - TRACT NO. 4802

1. RESOLUTION NO. 99-354 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 99-355 - CALLING FOR A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 99-356 - DECLARING ELECTION RESULTS

4. * BILL NO. B-81 - ORDINANCE NO. 99-75 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2000-2001 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 15, CITY OF FRESNO, CALIFORNIA

President Steitz announced the time had arrived to consider the issue and opened the hearing. Councilmember Ronquillo briefly left the dais at 11:50 a.m. A motion and second was made to adopt the resolutions and ordinance bill.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution Nos. 99-354, 99-355 and 99-356 hereby adopted, and the above entitled Bill No. B-81 adopted as Ordinance No. 99-75, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz
Noes	:	Mathys
Absent	:	Ronquillo

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(11:00 A.M.) CONSIDER APPROVAL OF ANALYSIS TO IMPEDIMENTS TO FAIR HOUSING

Councilmember Ronquillo returned at 11:51 a.m.

On motion of Councilmember Boyajian, seconded By Councilmember Bredefeld, duly carried, RESOLVED, the Analysis of Impediments to Fair Housing hereby approved, including the two staff recommended language changes outlined in the staff report, and the City Manager authorized to submit the document to HUD for their final approval, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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(11:30 A.M.) APPEARANCE BY DAVID WELLS REQUESTING COUNCIL PURCHASE TWO (2) HYBRID ELECTRIC BUSES

Appearance made; no action taken.

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(11:35 A.M.) APPEARANCE BY MIKE GOMEZ TO DISCUSS ACTIONS OF POLICE OFFICERS IN THE NORTHWEST DIVISION

Not present when called.

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Brief discussion ensued on whether to proceed with the agenda and hear Item **5A**, whereupon determination was made to break for lunch. President Steitz announced Council would convene at 2:00 p.m. in closed session and announced the items as listed under **8:00 a.m.** item and **2:00 p.m.#2**.

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LUNCH RECESS - 12:02 P.M. - 2:00 P.M.

(8:00 A.M.) CLOSED SESSION:

(“A”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: MORALES, MCAVOY, ZAMORA, AND “JOHN DOE” V. CITY OF FRESNO, FRESNO POLICE DEPARTMENT, CHIEF WINCHESTER, AND OFFICERS WILLIAMS, BRIDGES, OSUNA, FRANKS, FERN AND GRAY

(2:00 P.M.) CLOSED SESSION:

(“A”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. LINDA LEWIS V. CITY OF FRESNO
2. CHARLES TURNEY V. CITY OF FRESNO
4. CITY OF FRESNO V. ANTOINETTE LAMBE

(“B”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

1. RODERICK K. TERRIS V. CITY OF FRESNO
2. GALLAND V. CITY OF FRESNO (REQUEST FOR JOINDER IN AMICUS BRIEF)

(“C”) CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (c) - CONSIDER INITIATING LITIGATION: CITY OF FRESNO V. P.R. FARMS, ET AL. (TITLE CLAIMS - PINEDALE/SUGAR PINE TRAIL) - COUNCILMEMBER PEREA

The Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above matters and reconvened in regular open session at 2:36 p.m. Councilmembers Bredefeld, Ronquillo and President Steitz arrived later.

(2:00 P.M. “A”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

3. YOLANDA MORALES V. CITY OF FRESNO

Not held.

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(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1A-5) AWARD A CONTRACT FOR CONSTRUCTION OF PILIBOS SOCCER PARK, PROPERTY LOCATED ON THE NORTH SIDE OF LANE AVENUE BETWEEN WINERY AND WILLOW AVENUES

Councilmember Quintero stated his questions had been answered by staff and moved the item.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, a contract for the base bid alone to construct Pilibos Soccer Park hereby awarded to Construction Developers, Inc. in the amount of \$1,346,387.19, by the following vote:

Ayes	:	Boyajian, Mathys, Perea., Quintero
Noes	:	None
Absent	:	Bredefeld, Ronquillo, Steitz

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(1A-3) AWARD A REQUIREMENTS CONTRACT TO PROVIDE MAINTENANCE OF CAMP FRESNO AND CAMP FRESNO JR. AT DINKEY CREEK

Councilmember Perea made a motion to award the contract as recommended by staff.

Appealing staff's recommendation and speaking in opposition were the other bidders, Nancy Omachi and Arthur Amerian, 273 W. Audubon.

Acting President Mathys stated it sounded like there had been lack of communication and made a motion, seconded by Councilmember Boyajian, to reject the bids.

Assistant Parks and Recreation Director Latipow responded to and clarified issues and concerns raised. Brief discussion ensued on expiration of the current contract and timeframe. Purchasing Manager Taggart stated there was also the issue of registration and suggested a 1-year contract be awarded instead 5-years, and responded to questions of Acting President Mathys relative to the alleged substandard conditions at the camp.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the issue continued to January 4, 2000, to allow staff to resolve issues and report back, by the following vote:

Ayes : Boyajian, Perea, Quintero, Mathys
Noes : None
Absent : Bredefeld, Ronquillo, Steitz

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(5A) DISCUSS COUNCIL DIRECTION REGARDING THE PROPOSED MEASURE “C” 2000 EXPENDITURE PLAN - COUNCILMEMBER PEREA

Councilmember Perea stated the City had an opportunity for input on how Measure “C” dollars were programmed stressing he wanted to see some of that money go towards neighborhood infrastructure needs and the Friant/41 ramp, and questioned how the City could direct dollars back into the City. Councilmember Ronquillo arrived at 2:56 p.m. City Manager Reid explained the expenditure plan process and how it worked, **(4 - 0)** and advised the Transportation Authority had expressed a willingness to consider the issue. Councilmember Bredefeld arrived at 3:00 p.m.

Acting President Mathys questioned if the funds could be used for rail consolidation with Mr. Reid responding. Councilmember Perea noted voters were going to be asked to extend Measure “C” another 20 years and urged the City start prioritizing projects with rail consolidation being one of them. Councilmembers Ronquillo and Quintero expressed concerns relative to freeway 180 east funds being moved/pulled, with Mr. Reid stating he had not heard that was happening, and responded to questions relative to full funding for 180 east and the completion schedule. Councilmember Bredefeld left the meeting at 3:11 p.m. and returned after the recess.

Councilmember Perea directed the matter be set for further discussion and a full report in January to give solid direction and added COG and the Transportation Authority needed to be involved. By Council consensus the matter was set for January 4th at 4:00 p.m. Councilmember Perea requested future Measure “C” funds be scheduled separately in late January for discussion on strategy on whether the City should brake away and carry out its own program. Brief discussion ensued on the professional voter and leader survey, and Councilmember Boyajian stated his support for 180 west and the inner-city projects. There was no further discussion.

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(3B) *BILL NO. B-82 - AMENDING SECTION 2-1745 OF THE FRESNO MUNICIPAL CODE RELATING TO THE POST-RETIREMENT SUPPLEMENTAL BENEFIT PROGRAM

1. *BILL NO. B-83 - AMENDING SECTION 2-1853 OF THE FRESNO MUNICIPAL CODE RELATING TO THE POST-RETIREMENT SUPPLEMENTAL BENEFIT PROGRAM

(3C) *BILL NO. B-84 - AMENDING SECTIONS 2-1701.1, 2-1723, 2-1732, 2-1723A AND 2-1732A 45 OF THE FRESNO MUNICIPAL CODE RELATING TO THE REMARRIAGE OF SURVIVING SPOUSES

1. *BILL NO. B-85 - AMENDING SECTION 2-1840.1 AND 2-1840.3 OF THE FRESNO MUNICIPAL CODE RELATING TO THE REMARRIAGE OF SURVIVING SPOUSES

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled Bill Nos. B-82, B-83, B-84 and B-85 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Bredefeld, Steitz

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(3D) PROPOSED REAPPOINTMENTS OF ROBERT KAST, ROBERT KENNEDY AND C.A. GRACE TO THE FRESNO-MADERA AGENCY ON AGING BOARD - MAYOR PATTERSON

A motion and second was made to introduce the appointments, and Councilmember Perea briefly responded to questions of Councilmember Quintero relative to timeline for the opening of the senior citizen's center.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the reappointments of Robert Kast, Robert Kennedy and C.A. Grace to the Fresno-Madera Agency on Aging Board introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Bredefeld, Steitz

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(3E) APPROVE A FIVE YEAR LEASE TO PURCHASE TELECOMMUNICATIONS SWITCHING AND OTHER RELATED EQUIPMENT

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, **RESOLVED**, a five (5) year lease to purchase telecommunication switching and other related equipment hereby approved, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Bredefeld, Steitz

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RECESS - 3:27 P.M. - 3:31 P.M.

Brief discussion ensued on the Council and Agency convening in the scheduled special joint session for the **3:30 p.m.** City Clerk Klisch advised President Steitz was requesting the issue be held off as representatives of the Diamond Group were unable to be present until close to 4:30 p.m.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the **3:30 p.m.** item to be heard at this time, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

Councilmember Ronquillo requested the issue be held off for President Steitz' attendance. Councilmember Perea stated he preferred the matter be tabled to January 4th to discuss issues in closed session prior to considering and taking action to hire a mediator. By Council consensus, the **3:30 p.m.** item was laid over to later in the meeting for President Steitz' presence.

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RECESS - 3:33 P.M. - 4:02 P.M. All members were present.

(3:50 P.M.) YEAR-END REPORT BY THE TRANSPORTATION COMMITTEE - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian gave a brief oral report including projects completed, contracts awarded, and funding issues. Councilmember Perea commented on the City's needs and the need to prioritize projects, and questioned the ability of the City to break away from Measure "C" and carry out its own program if projects could not be agreed upon, with Councilmember Boyajian stating he would look into the matter. Councilmember Ronquillo commented briefly on the importance, and urged completion of, SR 180 east to Clovis Avenue as quickly as possible. There was no further discussion.

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(4:00 P.M. #1) REQUEST COUNCIL DIRECTION TO THE MAYOR/CITY MANAGER TO DISENGAGE EFFORTS TO PRIVATIZE CITY FUNCTIONS - COUNCILMEMBER PEREA

Councilmember Perea stated he believed a Council majority opposed privatization emphasizing he opposed it, and advised he continues to hear about efforts to privatize City services and questioned what was being done and if any services could be privatized without Council approval. City Manager Reid responded on the City's efforts referencing the earlier solid waste issue, and reviewed the City's pilot projects for managed competition adding managed competition was different from privatization and explained. Councilmember Perea stated he wanted his position made clear, stressed he would not support the loss of City workers' jobs, and urged employees be given every chance to do their job as the process moved forward **(5 - 0)**.

Speaking in opposition to privatization were: Alex Correa, Local 39 Business Agent, who stated misleading information was being given and the solid waste issue was forced upon employees; Russ Owen, Fleet Division employee; Sam Frank, FCEA Secretary, 5451 N. Gates #119; and David Wells, P.O. Box 1523.

Councilmember Ronquillo stated he felt the City Manager understood Council's sentiment relative to keeping the City workforce intact; commented on privatization and stated he would not support it unless it was proven beyond a doubt City employees were not performing their job; and questioned the City Manager's authorities and if there was anything Council could do if the City Manager was going against Council's will. City Attorney Montoy stated unless the administration was doing something unlawful it had the power and right to engage in and pursue the kinds of efforts being engaged in at this time, and advised Council had the authority to voice its opposition but until something ultimately came back to Council the efforts could not just be directed halted.

Brief discussion ensued with Mr. Correa responding to questions of Councilmember Ronquillo relative to his comments that the City's administration was in violation of the Memorandum of Understanding and potential for litigation. There was no further discussion.

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RECESS - 4:41 P.M. - 4:50 P.M.

(3:30 P.M.) SPECIAL JOINT MEETING OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY

The City Council and Redevelopment Agency met in special joint session at 4:50 p.m.

DIRECT CITY MANAGER OR DESIGNEE TO HIRE AN INDEPENDENT CONSULTANT TO NEGOTIATE ON BEHALF OF THE CITY AND REDEVELOPMENT AGENCY REGARDING THE DOWNTOWN MULTI-PURPOSE STADIUM

Briefly reviewed by President Steitz who requested Council's support stating he felt this was the best opportunity to arrive at a deal. Councilmember Perea stated he thought the issue was to hire a mediator and not a consultant to negotiate, and stated he felt parameters first needed to be set and made a motion to table the issue to January 4th for a closed session to discuss parameters prior to hiring a mediator.

City Attorney Montoy responded to questions of Acting President Mathys relative to how much the City had expended to date on the stadium issue, with Acting President Mathys expressing and reiterating his concern with the amount spent and the subject request to expend even more funds; stressed the Diamond Group had been requested to provide financial information and again made the request for their financial records; and stated another concern and important question that needed to be answered was if taxpayers supported a stadium.

Councilmember Bredefeld briefly reviewed the background of the issue including the Council subcommittee that was formed to work out a proposal; stated he would not support hiring a mediator stressing it would be a waste of taxpayer money; and strongly recommended the subcommittee sit down and work with the Diamond Group face to face to try and reach an agreement.

Councilmember Boyajian stressed a deal was needed; expressed his concern with the issue stating there was too much politics involved; and stated he supported hiring a mediator and placing the matter in the hands of an experienced professional.

Councilmember Ronquillo emphasized at issue was revitalizing downtown and explained; stated money spent on the ULI was money well spent and their recommendation was legitimate; and stressed \$200 an hour would also be money well spent for an independent arbitrator to determine who and what elements were right or wrong.

Mr. Emerian, representing the Diamond Group, and Ms. Montoy responded to questions of Councilmember Quintero relative to the Diamond Group's negotiating team, how negotiations/communications were handled, what the hold-up was and when the last communication took place (**6 - 0**), if the Diamond Group was considering Portland, standard requirements for a AAA stadium, if it was necessary to have financials of the Diamond Group prior to negotiating an agreement, importance of knowing the number of skyboxes, and extent of the City Attorney's involvement in this go-round. During questioning Mr. Emerian stated the deal the Council subcommittee submitted to the Diamond Group was not acceptable and would insure the demise of the Grizzlies in Fresno; advised the Diamond Group made a counter offer with no interest from the City; and stated the Diamond Group tried to get the parties together with no luck and had reached an impasse.

Councilmember Perea questioned how the Council subcommittee could be reconfigured, and reiterated and urged the negotiation of parameters be revisited in closed session with the Mayor prior to taking any action.

Councilmember Bredefeld stated, with Mr. Emerian confirming, the Diamond Group had already agreed to (1) no subsidy from the City's general fund, and (2) submission of requested financial documents, and noting the Diamond Group was willing to sit down and begin negotiating again made a motion to direct the subcommittee to meet and negotiate with the Diamond Group based on those two parameters agreed to. President Steitz stated he did not feel the motion was necessary, and relative to hiring a mediator noted additional funds would be expended anyway as there would be a charge for staff (the City Attorney and City Manager) to sit in on negotiations. Councilmember Bredefeld emphasized there was a deal and reiterated and clarified his motion to continue with Council's prior direction for the Subcommittee to meet face to face and negotiate with the Diamond Group based on the two parameters accepted by the Diamond Group, which was seconded by Councilmember Ronquillo.

Ms. Montoy recommended a mediator be hired; noted the title on the special meeting notice specified hiring a consultant which was very different from a mediator; stated Councilmember Bredefeld's motion was not necessary as that direction was given previously and the subcommittee already had that authority; and suggested the subcommittee and the Diamond Group meet and return with an agreement at the next meeting on whom to hire and what that person would be doing for the City and the Diamond Group, whereupon President Steitz ruled Councilmember Bredefeld's motion out of order.

Councilmember Ronquillo made a motion to hire Mediator Mike Conlon as recommended by the ULI, and President Steitz clarified the City Attorney recommended Council direct staff to negotiate a contract with a mediator containing the scope of services and cost and report back.

Brief discussion ensued with Agency Director Fitzpatrick clarifying he had not started negotiations with Mr. Conlon, and stated he would be happy to negotiate a contract for services and report back. Upon question of Acting President Mathys, Mr. Emerian stated the Diamond Group would not submit financial records prior to negotiations. By Council consensus, staff to report back with mediator contract information on January 4, 2000.

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(4:00 P.M. #2) REGULAR JOINT MEETING OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY

The two bodies continued in a regularly scheduled joint session at the hour of 5:34 p.m. President Steitz left and was absent for the remainder of the meeting and Councilmember Bredefeld left and returned later.

City Attorney Montoy advised Chair Ronquillo had a conflict of interest with the upcoming Item **(A-1 and A-2)** as he owned property in the area, whereupon Chair Ronquillo recused himself and left the meeting at 5:34 p.m.

APPROVE AGENCY MINUTES OF NOVEMBER 16, 1999

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, **RESOLVED**, the Agency minutes of November 16, 1999, approved as submitted.

(“A”) HEARING ON ADOPTION OF THE FIVE-YEAR REDEVELOPMENT IMPLEMENTATION PLANS
1. AGENCY RESOLUTION NO. 1558 - APPROVING THE FIVE-YEAR IMPLEMENTATION PLAN FOR THE MERGER NO. 1 PROJECT AREA, AS REVISED

2. AGENCY RESOLUTION NO. 1559 - APPROVING THE FIVE-YEAR IMPLEMENTATION PLAN FOR THE MERGER NO. 2 PROJECT AREA

3. AGENCY RESOLUTION NO. 1560 - APPROVING THE FIVE-YEAR IMPLEMENTATION PLAN FOR THE FRESNO AIR TERMINAL REDEVELOPMENT PROJECT AREA

Vice Chair Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second to adopt the resolutions was made.

Upon call, no one wished to be heard and Vice Chair Perea closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Agency Resolution Nos. 1558 (as revised), 1559 and 1560 hereby adopted, by the following vote:

Ayes	:	Boyajian, Mathys, Quintero, Perea
Noes	:	None
Absent	:	Bredefeld, Ronquillo, Steitz

Chair Ronquillo returned to the meeting at 5:37 p.m.

(“B”) REPORT ON ALL “HOUSING SET ASIDE” FUNDS BY PROGRAM; REPORT TO INCLUDE THE LAST THREE YEARS OF REVENUE, DISBURSEMENTS AND FUND BALANCE - CHAIR RONQUILLO

Chair Ronquillo advised there was a surplus of Housing Set Aside funds, stressed it was important to expend those funds in the most positive and proactive way to eliminate blight, and questioned plans for the expenditure of the funds and recommendations. Housing and Neighborhood Revitalization Director Quiring responded stating housing was a high priority and staff was working with the Agency on current and new programs and explained, and distributed information on Housing Fund Carryover. Chair Ronquillo urged the funds be earmarked for R-1 homeowners and exterior improvements and explained. City Manager Reid stated staff was open to all options and explained the rental rehabilitation program and set aside funds as a component of that program.

Ms. Quiring responded to questions of Councilmember Quintero relative to what the funds were used for. Councilmember Bredefeld returned to the meeting at 5:48 p.m. Councilmember Quintero stated roof repairs were a high priority in his district and requested new roofs be considered as an allowed use of the funds. Brief discussion ensued on the need to prioritize programs and outline plans.

Kathy Omachi, Incoming President, Chinatown Revitalization, spoke in support of the prior merger plan item, and relative to the set-aside funds requested they be allowed to access some of the \$60,000 that Chinatown contributes annually for homes in substandard condition in the area.

There was no further discussion.

(“C”) CONSIDER APPROVING A RESTATED FORBEARANCE AND DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND PROVIDENCE BAPTIST CHURCH, INC., RELATING TO PROPERTY AT S. WALNUT AND E. GEARY AVENUES, TO (1) CLARIFY THE PROJECT DESCRIPTION, (2) DELETE THE REQUIREMENT FOR AN IRREVOCABLE OFFER TO DEDICATE STREET RIGHT-OF-WAY, AND (3) EXTEND THE TIMES FOR PERFORMANCE
(AGENCY ACTION)

1. AGENCY RESOLUTION NO. 1561 - APPROVING A RESTATEMENT OF THE FORBEARANCE AND DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND PROVIDENCE BAPTIST CHURCH, INC.

A motion and second was made to adopt the resolution, and Director Fitzpatrick responded briefly to questions of Acting President Mathys relative to the length of the extension and progress of project.

On motion of Chair Ronquillo, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 1561 approving the restated DDA between the Redevelopment Agency and Providence Baptist Church, Inc., clarifying the Scope of Development (project description), with related changes to the recitals, eliminating the requirement for the irrevocable offer of street dedication, and modifying the Project Performance Schedule to extend performance times hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

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ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 5:56 p.m. having arrived and hearing no objections, Acting President Mathys extended holiday wishes to all and declared the last Council meeting of 1999 adjourned.

DATED this _____ day of _____ 1999.

_____ ATTEST: _____
Chris Mathys, Acting Council President
Yolanda Salazar, Assistant City Clerk

134-295

12/14/99